

**SB0055**



**98TH GENERAL ASSEMBLY**

**State of Illinois**

**2013 and 2014**

**SB0055**

Introduced 1/16/2013, by Sen. William R. Haine

**SYNOPSIS AS INTRODUCED:**

730 ILCS 5/5-4.5-20

730 ILCS 5/5-8-1

from Ch. 38, par. 1005-8-1

Amends the Unified Code of Corrections concerning the sentence for first degree murder. Provides that if the defendant had not attained the age of 18 at the time of the commission of the murder, but is found guilty of first degree murder and certain aggravating factors are present, the court shall sentence the defendant to a term of imprisonment of not less than 60 years and not more than 100 years, or to a term of natural life imprisonment. Eliminates provision that requires the court to sentence a defendant to a term of natural life imprisonment if the defendant is a person who, at the time of the commission of the murder, had attained the age of 17 or more and is found guilty of murdering an individual under 12 years of age. Eliminates provision that requires the court to sentence a defendant to a term of natural life imprisonment if the defendant is a person who, at the time of the commission of the murder, had not attained the age of 17, and is found guilty of murdering a person under 12 years of age and the murder is committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 5-4.5-20 and 5-8-1 as follows:

6 (730 ILCS 5/5-4.5-20)

7 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first  
8 degree murder:

9 (a) TERM. The defendant shall be sentenced to imprisonment  
10 or, if appropriate, death under Section 9-1 of the Criminal  
11 Code of 1961 (720 ILCS 5/9-1). Imprisonment shall be for a  
12 determinate term of (1) not less than 20 years and not more  
13 than 60 years; (2) not less than 60 years and not more than 100  
14 years as provided in subsection (c-5) of Section 5-8-1 (730  
15 ILCS 5/5-8-1) or when an extended term is imposed under Section  
16 5-8-2 (730 ILCS 5/5-8-2); or (3) natural life as provided in  
17 Section 5-8-1 (730 ILCS 5/5-8-1).

18 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment  
19 shall not be imposed.

20 (c) IMPACT INCARCERATION. The impact incarceration program  
21 or the county impact incarceration program is not an authorized  
22 disposition.

23 (d) PROBATION; CONDITIONAL DISCHARGE. A period of

1 probation or conditional discharge shall not be imposed.

2 (e) FINE. Fines may be imposed as provided in Section  
3 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

4 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
5 concerning restitution.

6 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
7 be concurrent or consecutive as provided in Section 5-8-4 (730  
8 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

9 (h) DRUG COURT. Drug court is not an authorized  
10 disposition.

11 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
12 ILCS 5/5-4.5-100) concerning no credit for time spent in home  
13 detention prior to judgment.

14 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)  
15 for rules and regulations for sentence credit.

16 (k) ELECTRONIC HOME DETENTION. Electronic home detention  
17 is not an authorized disposition, except in limited  
18 circumstances as provided in Section 5-8A-3 (730 ILCS  
19 5/5-8A-3).

20 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
21 provided in Section 3-3-8 (730 ILCS 5/3-3-8), the parole or  
22 mandatory supervised release term shall be 3 years upon release  
23 from imprisonment.

24 (Source: P.A. 97-697, eff. 6-22-12.)

25 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

1           Sec. 5-8-1. Natural life imprisonment; enhancements for  
2 use of a firearm; mandatory supervised release terms.

3           (a) Except as otherwise provided in the statute defining  
4 the offense or in Article 4.5 of Chapter V, a sentence of  
5 imprisonment for a felony shall be a determinate sentence set  
6 by the court under this Section, according to the following  
7 limitations:

8           (1) for first degree murder,

9           (a) (blank),

10           (b) if a trier of fact finds beyond a reasonable  
11 doubt that the murder was accompanied by exceptionally  
12 brutal or heinous behavior indicative of wanton  
13 cruelty or, except as set forth in subsection (a)(1)(c)  
14 of this Section, that any of the aggravating factors  
15 listed in subsection (b) or (b-5) of Section 9-1 of the  
16 Criminal Code of 1961 are present, the court may  
17 sentence the defendant to a term of natural life  
18 imprisonment, or

19           (c) the court shall sentence the defendant to a  
20 term of natural life imprisonment when the death  
21 penalty is not imposed if the defendant,

22           (i) has previously been convicted of first  
23 degree murder under any state or federal law, or

24           (ii) ~~is a person who, at the time of the~~  
25 ~~commission of the murder, had attained the age of~~  
26 ~~17 or more and is found guilty of murdering an~~

1 ~~individual under 12 years of age; or, irrespective~~  
2 ~~of the defendant's age at the time of the~~  
3 ~~commission of the offense,~~ is found guilty of  
4 murdering more than one victim, or

5 (iii) is found guilty of murdering a peace  
6 officer, fireman, or emergency management worker  
7 when the peace officer, fireman, or emergency  
8 management worker was killed in the course of  
9 performing his official duties, or to prevent the  
10 peace officer or fireman from performing his  
11 official duties, or in retaliation for the peace  
12 officer, fireman, or emergency management worker  
13 from performing his official duties, and the  
14 defendant knew or should have known that the  
15 murdered individual was a peace officer, fireman,  
16 or emergency management worker, or

17 (iv) is found guilty of murdering an employee  
18 of an institution or facility of the Department of  
19 Corrections, or any similar local correctional  
20 agency, when the employee was killed in the course  
21 of performing his official duties, or to prevent  
22 the employee from performing his official duties,  
23 or in retaliation for the employee performing his  
24 official duties, or

25 (v) is found guilty of murdering an emergency  
26 medical technician - ambulance, emergency medical

1 technician - intermediate, emergency medical  
2 technician - paramedic, ambulance driver or other  
3 medical assistance or first aid person while  
4 employed by a municipality or other governmental  
5 unit when the person was killed in the course of  
6 performing official duties or to prevent the  
7 person from performing official duties or in  
8 retaliation for performing official duties and the  
9 defendant knew or should have known that the  
10 murdered individual was an emergency medical  
11 technician - ambulance, emergency medical  
12 technician - intermediate, emergency medical  
13 technician - paramedic, ambulance driver, or other  
14 medical assistant or first aid personnel, or

15 (vi) (blank), or ~~is a person who, at the time~~  
16 ~~of the commission of the murder, had not attained~~  
17 ~~the age of 17, and is found guilty of murdering a~~  
18 ~~person under 12 years of age and the murder is~~  
19 ~~committed during the course of aggravated criminal~~  
20 ~~sexual assault, criminal sexual assault, or~~  
21 ~~aggravated kidnaping, or~~

22 (vii) is found guilty of first degree murder  
23 and the murder was committed by reason of any  
24 person's activity as a community policing  
25 volunteer or to prevent any person from engaging in  
26 activity as a community policing volunteer. For

1           the purpose of this Section, "community policing  
2           volunteer" has the meaning ascribed to it in  
3           Section 2-3.5 of the Criminal Code of 1961.

4           For purposes of clause (v), "emergency medical  
5           technician - ambulance", "emergency medical technician  
6           - intermediate", "emergency medical technician -  
7           paramedic", have the meanings ascribed to them in the  
8           Emergency Medical Services (EMS) Systems Act.

9           (c-5) if the defendant had not attained the age of  
10          18 at the time of the commission of the murder, but is  
11          found guilty of first degree murder and any of the  
12          factors listed in subsection (c) of this Section are  
13          present, the court shall sentence the defendant to a  
14          term of imprisonment of not less than 60 years and not  
15          more than 100 years, or to a term of natural life  
16          imprisonment.

17          (d) (i) if the person committed the offense while  
18          armed with a firearm, 15 years shall be added to  
19          the term of imprisonment imposed by the court;

20          (ii) if, during the commission of the offense,  
21          the person personally discharged a firearm, 20  
22          years shall be added to the term of imprisonment  
23          imposed by the court;

24          (iii) if, during the commission of the  
25          offense, the person personally discharged a  
26          firearm that proximately caused great bodily harm,

1 permanent disability, permanent disfigurement, or  
2 death to another person, 25 years or up to a term  
3 of natural life shall be added to the term of  
4 imprisonment imposed by the court.

5 (2) (blank);

6 (2.5) for a person convicted under the circumstances  
7 described in subdivision (b)(1)(B) of Section 11-1.20 or  
8 paragraph (3) of subsection (b) of Section 12-13,  
9 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of  
10 subsection (d) of Section 12-14, subdivision (b)(1.2) of  
11 Section 11-1.40 or paragraph (1.2) of subsection (b) of  
12 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or  
13 paragraph (2) of subsection (b) of Section 12-14.1 of the  
14 Criminal Code of 1961, the sentence shall be a term of  
15 natural life imprisonment.

16 (b) (Blank).

17 (c) (Blank).

18 (d) Subject to earlier termination under Section 3-3-8, the  
19 parole or mandatory supervised release term shall be written as  
20 part of the sentencing order and shall be as follows:

21 (1) for first degree murder or a Class X felony except  
22 for the offenses of predatory criminal sexual assault of a  
23 child, aggravated criminal sexual assault, and criminal  
24 sexual assault if committed on or after the effective date  
25 of this amendatory Act of the 94th General Assembly and  
26 except for the offense of aggravated child pornography

1 under Section 11-20.1B or 11-20.3 of the Criminal Code of  
2 1961, if committed on or after January 1, 2009, 3 years;

3 (2) for a Class 1 felony or a Class 2 felony except for  
4 the offense of criminal sexual assault if committed on or  
5 after the effective date of this amendatory Act of the 94th  
6 General Assembly and except for the offenses of manufacture  
7 and dissemination of child pornography under clauses  
8 (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code  
9 of 1961, if committed on or after January 1, 2009, 2 years;

10 (3) for a Class 3 felony or a Class 4 felony, 1 year;

11 (4) for defendants who commit the offense of predatory  
12 criminal sexual assault of a child, aggravated criminal  
13 sexual assault, or criminal sexual assault, on or after the  
14 effective date of this amendatory Act of the 94th General  
15 Assembly, or who commit the offense of aggravated child  
16 pornography, manufacture of child pornography, or  
17 dissemination of child pornography after January 1, 2009,  
18 the term of mandatory supervised release shall range from a  
19 minimum of 3 years to a maximum of the natural life of the  
20 defendant;

21 (5) if the victim is under 18 years of age, for a  
22 second or subsequent offense of aggravated criminal sexual  
23 abuse or felony criminal sexual abuse, 4 years, at least  
24 the first 2 years of which the defendant shall serve in an  
25 electronic home detention program under Article 8A of  
26 Chapter V of this Code;

1           (6) for a felony domestic battery, aggravated domestic  
2           battery, stalking, aggravated stalking, and a felony  
3           violation of an order of protection, 4 years.

4           (e) (Blank).

5           (f) (Blank).

6           (Source: P.A. 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10;  
7           96-1200, eff. 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff.  
8           7-1-11; 97-333, eff. 8-12-11; 97-531, eff. 1-1-12; 97-1109,  
9           eff. 1-1-13.)